



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,705	08/28/2003	Masao Suzuki	500.43093X00	6777
24956	7590	09/21/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			CHOI, WOO H	
			ART UNIT	PAPER NUMBER
			2189	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,705

Applicant(s)

SUZUKI, MASAO

Examiner

Woo H. Choi

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/05/03, 04/22/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 7 – 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. While a computer executable program embodied in a computer readable medium is considered statutory, a computer program per se, as claimed, is non-statutory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 3, 5, 6, 8, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2189

6. Claims 2 and 8 recite the limitation “said information about said storage devices.”

There are three different types of information recited prior to this limitation, information about an operation rule, information about an operation procedure, and information obtained from the storage devices, all of which are about the storage devices. It is not clear which information this limitation refers to.

7. Claims 3 and 9 are rejected for depending from defective parent claims.

8. Claims 5 and 6 recite the limitation “said information obtained from said storage devices.” There is insufficient antecedent basis for this limitation.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by

Devireddy *et al.* (US Patent Application Publication 2002/0133669, hereinafter

“Devirredy”).

Art Unit: 2189

With respect to claims 1 and 7, Devireddy discloses a method for managing storage devices by using a computer, wherein

said computer (figure 2, 200) reads information about an operation rule (policy, 216) for said storage devices accommodated previously in a memory device and information about an operation procedure (220, page 3, paragraph 23, procedures pertaining to specific devices to execute a given policy) of said storage devices associated with said operation rule for said storage devices,

receives an instruction to select said information about said operation rule for said storage devices from a user (page 3, paragraph 21), and sends said storage devices an instruction to execute said operation procedure of said storage devices associated with information about said operation rule on the basis of said operation rule received (page 3, paragraph 23).

11. Claims 1 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsunami *et al.* (US Patent No. 6,912,627, hereinafter “Matsunami”).

Matsunami discloses a method of operational support for storage devices by using a computer (figure 10), wherein

said computer reads information about an operation rule (figure 10, policy name column) for said storage devices accommodated previously in a memory device and information about an operation procedure (see figure 9, details column, specifies what type devices to select to configure a logical volume) of said storage devices associated with said operation rule for said storage devices,

Art Unit: 2189

receives an instruction to select said information about said operation rule for said storage devices from a user (figure 10, col. 8, lines 42 – 65), and on the basis of information about said operation rule received,

displays, on the screen, information regarding states before (figure 10, usable capacity before formation of a new volume) and after (usable capacity after formation of a new volume, i.e. updated or changed information) said operation procedure of said storage devices associated with said information about said operation rule is applied to said storage devices,

information received includes performance information (figure 10, performance column).


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Woo H. Choi whose telephone number is (571) 272-4179. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2189

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Woo H. Choi
September 16, 2005